Commission on the Limits of the Continental Shelf

Distr.: General
10 May 2006

Original: English

Seventeenth session
New York, 20 March-21 April 2006

Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its seventeenth session at United Nations Headquarters from 20 March to 21 April 2006, pursuant to the decision taken at its sixteenth session (CLCS/48, para. 64) and paragraph 34 of General Assembly resolution 60/30 of 29 November 2005. The plenary part of the session was held from 3 to 7 April, while the periods from 20 to 31 March and 10 to 21 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following 19 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Indurlall Fagoonee, Noel Newton St. Claver Francis, Mihai Silviu German, Abu Bakar Jaafar, Mladen Juračić, Yuri Borisovitch Kazmin, Wenzheng Lu, Yong-Ahn Park, Fernando Manuel Maia Pimentel, Philip Alexander Symonds, Kensaku Tamaki, Naresh Kumar Thakur and Yao Ubuénalé Woeledji.

3. Hilal Mohamed Sultan Al-Azri had previously informed the Chairman that he could not attend the session because of circumstances beyond his control. Samuel Sona Betah did not attend the session.

4. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.20);

(b) Statement by the Chairman of the Commission on the progress of work at its sixteenth session (CLCS/48 and Corr.1);

(c) Submission of Brazil dated 17 May 2004 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General of the United Nations to the Commission; and addendum to the executive summary of the submission, including all charts and coordinates contained therein, transmitted to the Commission through the Secretary-General on 1 March 2006;

06-34520 (E) 020606

(d) Submission of Australia dated 15 November 2004 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission;

(e) Submission of Ireland dated 25 May 2005 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission;

(f) Letter dated 20 January 2006 from the Legal Counsel of the United Nations to the Chairman of the Commission concerning medical expenses incurred by members of the Commission in need of medical care during the course of the performance of their functions as members of the Commission;

(g) Letter dated 23 January 2006 from the Legal Counsel in response to the letter dated 9 September 2005 from the Chairman of the Commission addressed to the Secretary-General concerning the projected workload of the Commission.

Item 1
Opening of the seventeenth session by the Chairman of the Commission

5. The meeting was opened by Peter F. Croker, Chairman of the Commission.

Statement by the Legal Counsel

6. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, delivered the opening statement on behalf of Nicolas Michel, the Legal Counsel, Under-Secretary-General for Legal Affairs, who could not attend the opening meeting owing to other commitments. The statement of the Legal Counsel referred to the very busy agenda of the seventeenth session, during which the Commission would continue the examination of the submissions of Brazil, Australia and Ireland and deal with important procedural and organizational issues. The statement emphasized that at that session, as a matter of priority, the Commission should consider and decide how to best organize its work under the current circumstances.

7. The statement underlined the fact that, at the time of the negotiations of the 1982 United Nations Convention on the Law of the Sea, the knowledge and information available on the seabed and ocean floor had been much less developed than today. As a consequence, the drafters of the Convention had not anticipated the technical complexities involved in the application of some of its provisions, in particular the provisions of Part VI and annex II to the Convention. The statement noted that the technological and scientific advances considered in conjunction with the projected workload of the Commission in the years to come, resulting from the number of submissions expected by May 2009, demonstrated that the Commission was operating under increasingly difficult conditions.

8. The Legal Counsel reassured the Commission that the Secretariat would continue to make every effort, within the financial resources available, to provide the Commission with the assistance required for the efficient and timely discharge of its functions.

9. In that connection, it was noted that despite the recent limitations imposed by the General Assembly on the disbursement of funds from the budget for the 2006-2007 biennium, the Secretariat had upgraded the technical facilities and the conference room of the Division, which was now fitted with state-of-the-art equipment allowing it to be used as a third GIS laboratory during the seventeenth session. As a result of the improvements, the premises of the Division could accommodate the work of three subcommissions at any given time.

10. The statement of the Legal Counsel also focused on the projected workload of the Commission, underlining that the Commission alone could develop practical solutions and concrete proposals to ensure that it functioned in an efficient manner, and reiterating that the matter should be dealt with as a priority. Such proposals could be presented at the Meeting of States Parties to the Convention and, subsequently, to the General Assembly and might involve measures to be taken directly by individual States Parties that had nominated members of the Commission, or measures to be taken by the States Parties as a whole, or by the General Assembly.

Item 2
Adoption of the agenda

11. The Chairman proposed the provisional agenda (CLCS/L.20) for consideration by the Commission. Two additional items, entitled "The question of connecting the line of the outer edge of the continental margin to the 200 nautical-mile line" and "Consideration of proposals to the Meeting of States Parties concerning the work of the Commission", were proposed by members of the Commission. In the absence of any objection, the provisional agenda was adopted as amended (CLCS/49).

Item 3
Organization of work

12. The Chairman outlined the programme of work and the schedule for the Commission's deliberations on the various items of the agenda. The programme of work as proposed was agreed upon.

Item 4
Consideration of the submission made by Brazil to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the seventeenth session

13. Mr. Carrera, Chairman of the Subcommission established to examine the submission by Brazil, reported on the work done by the Subcommission during the first part of the seventeenth session. Mr. Carrera informed the Commission about the approach and organization of work adopted by the Subcommission and outlined the draft table of contents of the recommendations. He then focused on the

consultations with the delegation of Brazil, which were conducted in accordance with the practice described in paragraph 35 of document CLCS/48.

14. The Chairman stated that Brazil had responded positively to the invitation for a meeting during the first week of the seventeenth session of the Commission (see CLCS/48, para. 22). Accordingly, the Subcommission had invited the delegation of Brazil to an organizational meeting on 21 March 2006, during which an agenda for two weeks of consultations was agreed upon. The delegation of Brazil was led by Henrique R. Valle, Acting Permanent Representative of Brazil to the United Nations, as Head of Delegation, and Vice-Admiral Paulo Cesar Dias de Lima, Director of Hydrography and Navigation of the Ministry of Defence, as Alternate Head of Delegation. It included 12 additional members from the various national agencies and institutions involved in the submission.

15. According to the agreed agenda, during the first week the Subcommission made the first round of presentations, each of which dealt with a separate region. The delegation provided its initial responses during the second week. Mr. Carrera apprised the Commission in detail of the structure of the presentations made by the Subcommission, highlighting certain common aspects. He informed the Commission of the commitment of the delegation of Brazil to provide full responses to issues raised in the Subcommission's presentations no later than 31 July 2006. He also noted that Brazil had informed the Subcommission that it would provide new seismic and bathymetric data prior to that date.

16. In the light of the above, Mr. Carrera outlined the future programme of work of the Subcommission. He stated that the Subcommission would consider new seismic and bathymetric data during the intersessional period and at its next series of meetings, to be held from 23 August to 5 September 2006 during the eighteenth session of the Commission. He concluded by stating that the Subcommission would be in a position to finalize its draft recommendations only after all responses and materials had been considered.

17. The Chairman of the Subcommission noted that the consultations with Brazil had been the first conducted under the agreed practice described in paragraph 35 of document CLCS/48. In order to adequately reflect the practice in the procedural documents of the Commission, the members of the Subcommission had prepared a draft amendment to annex III to the rules of procedure of the Commission. The draft amendment had been shared informally with several other members of the Commission and would be presented by a member of the Subcommission under the agenda item dealing with rule 52 of the rules of procedure.

Item 5
Consideration of the submission made by Australia to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the seventeenth session

18. Mr. Brekke, Chairman of the Subcommission established to examine the submission made by Australia, reported on the work carried out during the

intersessional period and the seventeenth session. He stated that the Subcommission has made considerable progress in the examination of the Australian submission.

19. The Chairman indicated that the Australian delegation had provided the Subcommission with further data and information during the intersessional period, to facilitate its work. The Chairman explained that these data and information were not additional but complementary to those provided earlier.

20. During the session, the Subcommission held four meetings with the Australian delegation that was present in New York. The consultations were conducted on the basis of the agreed practice, as reflected in paragraph 35 of document CLCS/48. The delegation of Australia was led by Bill Campbell and included eight additional members from the various national agencies and institutions involved in the submission.

21. During the first week the Subcommission made the first round of six presentations, each of which dealt with a separate region. The preliminary conclusions concerning two more regions were delivered to the delegation during the second week. The delegation provided its initial responses during the second week.

22. The Subcommission aimed to submit its final recommendations to the Commission in time for them to be considered before the next election of the members of the Commission.

23. The Chairman noted that in view of the volume of work that the examination of the submission by Australia entailed, the Subcommission had scheduled six weeks of resumed meetings in the premises of the Division in 2006 in addition to the individual work of the Subcommission members during the intersessional periods. The resumed meetings of the Subcommission in the Division for the remainder of 2006 would be from 28 August to 15 September.

Item 6
Consideration of the submission made by Ireland to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the seventeenth session

24. Abu Bakar Jaafar, Chairman of the Subcommission established to examine the submission made by Ireland, reported on the work carried out during the intersessional period and during the resumed sixteenth session held from 23 to 27 January 2006 at the GIS laboratories of the Division. During that session the Subcommission continued its work and held 10 meetings. In addition, the Commission held five meetings with the Irish delegation, during which it asked for clarifications and posed formal questions in writing. The delegation provided the Subcommission with written answers to some of its questions and informed the Subcommission that it would provide additional answers and clarifications in time for the seventeenth session.

25. During the seventeenth session, the Subcommission continued its work and held four meetings with the Irish delegation that was present in New York. The

consultations were conducted on the basis of the past practice, as well as that outlined in paragraph 35 of document CLCS/48. The delegation of Ireland was led by Lisa Walshe and included two technical experts as well as the Permanent Representative of Ireland to the United Nations and his Deputy.

26. During the second week the Subcommission made a presentation that provided the delegation with its preliminary views and general conclusions concerning the partial submission made by Ireland. The delegation responded with its preliminary views and informed the Subcommission that it would provide its formal response during the intersessional period.

27. The Chairman stated that the Subcommission would continue its work during the eighteenth session, from 23 August to 5 September 2006.

28. At this stage, the Subcommission plans to submit its final recommendations to the Commission at the end of the eighteenth session.

Item 7
The question of connecting the line of the outer edge of the continental margin to the 200 nautical-mile line

29. The Commission discussed a technical issue of a general nature which may arise where formulae lines, described in article 76, paragraph 4 (a), of the Convention and defining the outer edge of the continental margin, need to connect to the 200 nautical-mile line. It was pointed out that neither the Convention nor the Scientific and Technical Guidelines prescribe a specific methodology on how to approach certain aspects of this matter. The discussion focused on the technical aspects of the issue and on its relation to the entitlement of a coastal State to the continental shelf beyond 200 nautical miles under article 76 of the Convention.

Item 8
Consideration of proposals to the Meeting of States Parties concerning the work of the Commission

30. The Commission considered and approved the proposal to be submitted to the Meeting of States Parties, contained in the annex to the present document. The Commission also requested the Secretariat to assist in the distribution of the proposal in advance of the sixteenth Meeting of States Parties, to be held in New York from 19 to 23 June 2006.

Item 9
Rule 52 of the rules of procedure of the Commission

31. The Chairman recalled that during the fifteenth Meeting of States Parties, several delegations had expressed their concern regarding the consistency of rule 52 of the rules of procedure of the Commission with the provisions of article 5 of annex II to the Convention. He also recalled that the Commission had dealt with the matter at its previous session, adopting, inter alia, amendments to section III (6) and section VI (15) of annex III to the rules of procedure (see CLCS/48, para. 44). He

further recalled that the Commission had not exhausted its deliberations on the topic and hence the item had been included in the agenda of the seventeenth session.

32. One of the members submitted a draft proposal for the modification of section IV (10) of annex III to the rules of procedure of the Commission. He emphasized that the modifications would be in addition to those adopted at the previous session of the Commission in order to reflect in the rules of procedure the agreed practice regarding the interaction between the submitting State and the Subcommission. The member also indicated that, as a result of the proposal, the amended annex III to the rules of procedure would adequately provide for such interaction at an advanced stage of the examination of the submission, as envisaged in paragraph 35 of document CLCS/48.

33. Another member proposed an alternative text which, he stated, also provided for the interaction between the Subcommission and the submitting States in a more general way. Several members commented on the proposals.

34. It was concluded that in view of the number of similarities between the two proposals, the open-ended Editorial Committee should prepare a draft text for consideration by the plenary of the Commission.

35. Following the meeting of the Editorial Committee, its Chairman, Mr. Fagoonee, reported that the Committee had established a working group composed of Mr. Albuquerque, Mr. Brekke, Mr. Carrera, Mr. Jaafar and Mr. Symonds to produce a single draft text. The working group successfully completed its task and submitted a single draft for the consideration of the Editorial Committee. The Editorial Committee considered the draft and, in general, agreed on the modifications of section IV (10) of annex III to the rules of procedure, with the exception of one part of the draft text. As a consequence, the Committee decided to submit to the Commission two alternative versions of that part.

36. Having discussed the two versions of paragraph 3, the Commission concluded that it was not necessary to list various steps relating to the examination of the submission. In the view of the Commission, those steps inevitably ensued from the application of article 76 of the Convention and the Scientific and Technical Guidelines. On that understanding, the Commission adopted by consensus the amendments to section IV (10) of annex III to the rules of procedure, consisting of three new paragraphs as follows:

> "3. At an advanced stage during the examination of the submission, the subcommission shall invite the delegation of the coastal State to one or several meetings at which it shall provide a comprehensive presentation of its views and general conclusions arising from the examination of part or all of the submission.
>
> "4. The coastal State shall have the opportunity to provide a response to the presentations of the subcommission during the same session, and/or at a later stage, in a format and schedule determined by agreement between the delegation and the subcommission. Printed and electronic copies of the written materials presented by the subcommission and the delegation of the coastal State shall be made available to one another through the Secretariat.

"5. Following the meeting(s) with the delegation of the coastal State, the subcommission shall proceed to prepare its recommendations to be submitted to the Commission for its consideration in accordance with these Rules."

37. Following the adoption of amendments to annex III to the rules of procedure, the Commission resumed its discussion of rule 52 of the rules of procedure of the Commission.

38. The Director of the Division drew the attention of the Commission to the proceedings of the fifteenth Meeting of States Parties and the outcome of that discussion, as reflected in the report of the Meeting (SPLOS/135, paras. 74 and 75).

39. Some members of the Commission reiterated their view that rule 52 of the rules of procedure was not in conformity with the provisions of article 5 of annex II to the Convention and needed to be amended. Other members maintained that the Commission, by amending its procedures for interaction with the coastal State as contained in annex III to the rules of procedure, had already responded adequately to the concerns expressed at the Meeting of States Parties.

40. One member of the Commission recalled that, during the sixteenth session, another member had proposed that the Commission should first agree on principles and then proceed with the necessary amendments of the rules of procedure. He also recalled that the other member had proposed that the following draft decision on principles to be put to the vote:

"1. After an initial consideration of the Recommendations prepared by the subcommission, the Commission will inform the coastal State of their contents.

"2. The State may present its comments regarding the Recommendations. It should not submit any new data or change the outer limits of its continental shelf.

"3. The final consideration and adoption of the Recommendations of the Commission shall be held in a private meeting of the Commission."

41. He further recalled that the Commission had proceeded with voting by a show of hands and that the proposal had been rejected by 14 votes against, 4 in favour and 2 abstentions. Finally, he emphasized that, in his view, rule 52 should faithfully reflect the provision of article 5 of annex II to the Convention.

42. Following an extensive discussion, the Chairman of the Commission prepared a draft proposal to amend the second sentence of rule 52. The Commission deliberated on the proposal and two alternative drafts were put forward. After another round of debate, it was concluded that all efforts to achieve consensus on the issue had been exhausted and that, in view of the general interest in that particular provision of the rules of procedure, the only way for the Commission to resolve the matter during the present session was to put it to a vote. It was agreed that separate voting would be held with regard to each of the draft proposals for the amendment to rule 52. The Commission proceeded with voting on that understanding.

43. One of the draft proposals, having obtained the required two-thirds majority of members present and voting, was then adopted by the Commission. Rule 52, as amended, now reads:

"**Rule 52**

"**Attendance by the coastal State at the consideration of its submission**

"The Commission shall, through the Secretary-General, notify the coastal State which has made a submission, no later than 60 days prior to the opening date of the session, of the date and place at which its submission will be first considered. The coastal State shall, in accordance with article 5 of annex II to the Convention, be invited to send its representatives to participate, without the right to vote, in the relevant proceedings of the Commission pursuant to section VI of annex III to these rules."

44. The above changes should be reflected in a new version of the rules of procedure.

45. The Commission recognized that these amendments to rule 52 and annex III to the rules of procedure may affect the time required for the consideration of submissions, given the extensive consultations envisaged with the coastal State.

Item 10
Report of the Chairman of the Editorial Committee

46. The Chairman of the Editorial Committee, Mr. Fagoonee, reported on the work of the Committee during the seventeenth session. He informed the Commission that the Committee had met to consider amendments to section IV (10) of annex III to the rules of procedure (CLCS/40). Three additional paragraphs were proposed and were subsequently adopted by the Commission (see para. 36 above).

47. Following the report by the Chairman of the Editorial Committee, one member of the Commission stated that in order to reflect the amendments adopted by the Commission at the current session, the flow chart contained in section VII of annex III to the rules of procedure should also be amended. The Commission agreed that the Editorial Committee would consider this issue and would report to the Commission at its eighteenth session.

48. With regard to document CLCS/48, the Commission recognized that the "Internal code of conduct for members of the Commission on the Limits of the Continental Shelf" had been drafted by one member, on the basis of a note prepared by the Secretariat, and not by a working group as reported in paragraph 60 of document CLCS/48.

Item 11
Report of the Chairman of the Scientific and Technical Advice Committee

49. The Chairman of the Scientific and Technical Advice Committee, Mr. Symonds, stated that the Committee had not received any requests for scientific and technical advice. He underlined that, in order to facilitate States' requests for advice from individual members of the Commission, information on the role and functions of the Committee, including information on the expertise of each member of the Commission, were available from the website of the Commission.

50. The Commission once again wished to draw attention to the fact that, even though many States were involved in the process of preparation of a submission to the Commission, no request for scientific and technical advice had been received by the Committee from any State. The Commission renewed its willingness to assist States in that regard.

Item 12
Report of the Chairman of the Training Committee

51. The Chairman of the Training Committee, Mr. Brekke, reported that the Committee had met during the seventeenth session to consider the revision of its mandate, as requested by the Commission at the sixteenth session (see CLCS/48, para. 55). The following mandate had been proposed by the Committee and adopted by the Commission:

> "The Training Committee of the Commission on the Limits of the Continental Shelf is an open-ended committee set up to deal with matters related to training and conferences relevant to the Commission. In particular, the Training Committee shall:
>
> "(a) Consider requests or other communications to the Commission from the Division for Ocean Affairs and the Law of the Sea or other institutions involved with the law of the sea regarding training, and assist them in delivering such training and coordinate the Commission's involvement;
>
> "(b) Coordinate contributions to be made by the Commission as such, or by its members, to conferences in which they will participate;
>
> "(c) Report to the Commission, at its sessions, on the participation of members during the previous intersessional period in conferences, workshops and training courses that are directly relevant to the functions of the Commission. In this respect, the Committee may receive notifications from the members participating in such activities no later than the first day of the following session in order for the Chairman of the Committee to prepare such a report."

52. Also on the matter of training, during the plenary of the session, Mr. Golitsyn, Director of the Division, informed the Commission of the activities carried out by the Division with regard to training courses for delineation of the outer limits of the continental shelf beyond 200 nautical miles, the preparation of submissions to the Commission and the training manual. He reported to the Commission on the third regional training workshop, which had been organized in Ghana from 5 to 9 December 2005 in collaboration with the Government of Ghana, the Commonwealth Secretariat, the African Union and the Economic Community of West African States.

53. The training workshop was attended by 54 technical and administrative staff from 16 developing States of the African region bordering the eastern Atlantic deemed to have potential for an extended continental shelf, namely, Angola, Benin, Cape Verde, Côte d'Ivoire, Democratic Republic of the Congo, Gabon, the Gambia, Guinea, Guinea-Bissau, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo. The workshop was delivered by Lawrence Folajimi Awosika, Harald Brekke, Galo Carerra Hurtado and Peter F. Croker as well as staff

members of the Division. The Director had received positive feedback in respect of the workshop and he believed that it had contributed to increasing the momentum behind the preparation of submissions to the Commission by many of those countries. He expressed his gratitude to all those who had been involved, especially the Government of Ghana for its hospitality.

54. The Director briefed the Commission on the fourth training workshop, to be held in Buenos Aires from 8 to 12 May 2006. The workshop, which was being organized in collaboration with the Government of Argentina and with the support, among others, of the Commonwealth Secretariat, would be attended by trainees from Latin American and Caribbean States deemed to have potential for an extended continental shelf. He expressed his gratitude to the Government of Argentina for agreeing to host the workshop.

55. The Director underlined the fact that the workshops organized to date had been attended by a large number of trainees (122 technical and administrative staff from 38 developing coastal States).

56. The Director reported that the Trust Fund established to facilitate the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, had assets of approximately one million dollars. He reported on the cooperation envisaged between the Division and the Global Resource Information Database (GRID)-Arendal with regard to this Trust Fund

57. The Director also reported that the Division was cooperating with GRID-Arendal in respect of training courses. Members of the Division had delivered presentations at a training course organized by GRID-Arendal in Nairobi for Kenya, Mozambique and the United Republic of Tanzania.

58. The Director updated the Commission on the status of the training manual, noting that the manual had been finalized following the training workshop in Ghana with the assistance of Messrs. Brekke and Carrera. At the training workshop in Buenos Aires it would be available in Spanish and English language versions and in electronic format. In addition, the manual would be distributed to all those who attended training workshops organized by the Division.

59. The Chairman of the Commission expressed his gratitude to the Division for its excellent work concerning the training workshops. He also expressed his gratitude to Messrs. Carrera and Brekke for their assistance with regard to the training manual and to the other members of the Commission who had acted as instructors in the training workshops.

Item 13
Other matters

Other meetings/conferences of interest

60. The members of the Commission exchanged information on meetings/conferences of interest, taking place in the remainder of 2006. One member provided the Commission with information concerning the international symposium entitled "Scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles" organized by the Ministry of

Foreign Affairs of Japan and the United Nations University in Tokyo in March 2006.

Future sessions of the Commission

61. The Chairman recalled that the eighteenth session would be held from 21 August to 15 September 2006, on the understanding that the periods from 23 August to 5 September and from 11 to 15 September 2006 would be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division. Thus, the plenary meetings would be held from 21 to 22 August and from 6 to 8 September 2006 (see General Assembly resolution 60/30, para. 34; CLCS/48, para. 64; and CLCS/48/Corr.1).

62. The Commission decided that the plenary meetings of the nineteenth session would be held from 26 to 30 March 2007 and recommended that the plenary meetings of the twentieth session be held from 27 to 31 August 2007. This decision was taken on the understanding that the technical examination of submissions would take place at the GIS laboratories and other technical facilities of the Division prior to and following the plenary meetings of the Commission, on dates to be determined at the eighteenth session. The Director of the Division stated that the premises of the Division were available for plenary sessions of the Commission without full interpretation. The Director also stated that if, from 2008, the Commission required conference facilities for more than the current two sessions a year, it would need to indicate that requirement in time for the preparation of the programme budget proposal for the next biennium.

Matters relating to by-elections

63. The Chairman informed the Commission that, as decided at the sixteenth session of the Commission (CLCS/48, para. 67), he had addressed a letter to the member of the Commission who continuously failed to attend the sessions of the Commission, through the Permanent Mission to the United Nations. The letter had invited that member to attend the next session or to submit his resignation. A similar letter had been sent to the member's Government. The Chairman indicated that no response to his letter had been received. The Commission underlined that, in view of its projected workload and the consequent need to ensure that three Subcommissions be operational at any given time, the attendance of each member was of crucial importance. After noting that the last session attended by the concerned member of the Commission had been the seventh session, held in May 2000, the Commission agreed that the matter should again be brought to the attention of the Meeting of States Parties.

Matters related to access to United Nations premises

64. The members of the Commission expressed their gratitude to the Secretariat for resolving this issue (see CLCS/48, para. 68).

Technical facilities and financial issues related to meetings of the Subcommissions

65. The Commission expressed its gratitude to the Secretariat for upgrading the technical facilities available in the Division to allow three subcommissions to work at any given time.

Trust Fund

66. Mr. Golitsyn, Director of the Division, reported on the status of the Trust Fund established by the General Assembly in its resolution 55/7 of 30 October 2000 for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. Four members of the Commission had received assistance from the Fund for the purpose of attending the seventeenth session of the Commission. At the end of 2005, the balance of the Trust Fund was approximately $39,000. A Member State had pledged 150,000 euros to be paid in three annual instalments, and the first instalment of 50,000 euros had recently been received. The members of the Commission expressed concern about the limited funds available and urged States to make additional contributions to the Trust Fund.

67. The Commission renewed its expressions of appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff, for the assistance and services provided during its current session.

Annex

Draft decision

For consideration by the sixteenth Meeting of States Parties

The Meeting of States Parties,

Recalling the letter dated 5 May 2005 from the Chairman of the Commission on the Limits of the Continental Shelf ("the Commission") addressed to the President of the fifteenth Meeting of States Parties (SPLOS/129), in which attention was drawn to the challenges that the Commission is facing due to the constantly increasing workload related to the examination and consideration of submissions by coastal States concerning the outer limits of the continental shelf in accordance with article 76,

Recalling also the presentation made by the Chairman of the Commission to the fifteenth Meeting of States Parties (SPLOS/135), in which he presented three scenarios for the workload of the Commission from 2005 to 2009 (scenario A (conservative) — 16 submissions by 2009; scenario B (most likely) — 28 submissions by 2009; scenario C (worst case) — 50 submissions by 2009) and stated that under scenario A members of the Commission would be required in New York for 3.5 months per year during the period 2007-2009, while under scenario B the level of work would be unsustainable under the present system and that it would be necessary to change the working arrangements of the Commission or for submissions to be queued,

Recalling also General Assembly resolution 60/30 of 29 November 2005, in which the Assembly noted the important role of the Commission in assisting States Parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, also noted the need to ensure the effective functioning of the Commission during a period of rapidly increasing workload, noted in particular the need to ensure participation of the members of the Commission in its subcommissions, and urged the Secretary-General to continue taking all necessary actions to ensure that the Commission could fulfil the functions entrusted to it under the Convention in the light of its rapidly increasing workload,

Conscious that the global understanding of continental margins had advanced considerably in the last three decades and that major technological and scientific advances are being utilized by coastal States in preparing their submissions under article 76, and that this has made the work of the Commission more complex and demanding and had created some difficulties in the application of the provisions of annex II to the Convention concerning the working arrangements of the Commission and its members, particularly the financial arrangements for participation of the members,

Recalling also that at the time of the Third Conference on the Law of the Sea the number of coastal States with an extended continental shelf was estimated to be 33 (A/CONF.62/C.2/L.98/Add.1), but that more recent estimates have put the total at almost double that number,

Having considered the letter dated 19 May 2006 from the Chairman of the Commission addressed to the President of the sixteenth Meeting of States Parties containing specific proposals from the Commission for its more effective functioning, in light of its future workload, which involve measures that should be taken by the Meeting of States Parties and the General Assembly,

1. *Notes* that the Commission, which examines submissions by way of seven-member subcommissions, already has on its agenda the simultaneous examination of three submissions made by Australia, Brazil and Ireland, and is still to receive and examine a revised submission from the Russian Federation;

2. *Notes also* that New Zealand delivered its submission in April 2006 and it is expected that in the next three years a large number of new submissions will be made to the Commission;

3. *Recognizes* that the average amount of work forecast for members of the Commission for the period 2007-2012 will require their attendance at United Nations Headquarters for two sessions of up to two months each per year, and therefore it is crucial that the members of the Commission have guaranteed financial support for their presence for up to four months per year in New York, while the job positions and salaries of members in their home countries need to be retained and guaranteed, without prejudice to their career, or for other members their loss of earnings needs to be covered without affecting their financial well-being;

4. *Recalls* that, according to paragraph 5 of article 2 of annex II to the Convention, the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in the performance of Commission duties;

5. *Also recalls* that it is not unprecedented for members of various committees and other bodies established under certain conventions to receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide;

6. *Recommends* that, taking into account the importance of the Commission's responsibilities, adequate additional funding from the regular budget of the United Nations be provided to ensure the full participation of the members of the Commission in its work given the requirement of up to four months of full-time work at United Nations Headquarters per year;

7. *Calls upon* States Parties to the Convention to propose, through a draft resolution for consideration by the General Assembly, that the members of the Commission receive emoluments and expenses while they are performing Commission duties concerning the consideration of submissions made by coastal States on the outer limits of the continental shelf under article 76, and that such emoluments and expenses be defrayed through the regular budget of the United Nations.